IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI BILAL NAZKI,

ACTING CHIEF JUSTICE

and
HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 7670 of 2005

Between:

Chamala Yadagiri Reddy, S/o. Narasimha Reddy,
R/o. Shaligouraram Village, Shaligouraram Mandal, Nalgonda District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, I & CAD Department, rep. by its Secretary,
Secretariat, Hyderabad.
2 The Secretary to Government (Projects), Government of Andhra Pradesh,
Secretariat, Hyderabad.
3 The Engineer-in-Chief (Irrigation), Government of Andhra Pradesh,
Erram-Manzil, Hyderabad.
4 The Chief Engineer (Medium Irrigation), Government of Andhra Pradesh,

Erram-Manzil, Hyderabad.

5 The Superintending Engineer, Irrigation Circle, Red Hills, Hyderabad.

6 The District Collector, Nalgonda District at Nalgonda.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction or order or Writ, more particularly one in the nature of Writ of Mandamus, declaring the approval of the respondents for the extension of canals and the proposed increase in the height of the existing weirs at Dharmareddypalli and Makta-anantaram Villages, including increase in head-sluices from 2 to 5, as null & void; and consequently direct the respondents to remove the increased height to the previous level over Bheemalingam weir/anicut, and reduce the head-sluices from 5 to 2, in the interest of justice, and pass such other order/s as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : MR.M.GOVIND REDDY

Counsel for the Respondents : GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following :

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ORAL ORDER:

(per Hon'ble The Acting Chief Justice)

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1. Herd learned counsel for the parties. Counter-affidavit has been filed.

2. The petitioner filed this writ petition seeking a writ of Mandamus declaring the approval of the respondents for the extension of canals and the proposed increase in the height of the existing weirs at Dharmareddypalli and Makta-anantaram Villages, including increase in head-sluices from 2 to 5, as null & void, and consequently direct the respondents to remove the increased height to the previous level over Bheemalingam weir/anicut, and reduce the head-sluices from 5 to 2.

3. The first part of the relief relates to issuance of writ of Mandamus declaring the approval of the respondents for the extension of canals and the proposed increase in the height of the existing weirs at Dharmareddypalli and Makta-anantaram villages including increase in the head-sluices from 2 to 5 as null and void. The second relief claimed is a direction to the respondents to remove the increased height to the previous level over Bheemalingam weir/anicut and reduce the head-sluices from 5 to 2. Earlier a public interest litigation writ petition was filed, of which no mention has been made by the writ petitioner in this writ petition, and the present writ petitioner has been one of the writ petitioners in that case. The first prayer contained in this writ petition was the prayer in the earlier writ petition as is evident from the order

of the Division Bench passed in W.P.No.21100 of 2003 on 26.9.2003. The second relief claimed relates to construction made in the year 1987. It has served the public purpose for the last 17 years and nobody has complained. Even the present petitioner, who filed the earlier writ petition being W.P.No.21100 of 2003, did not complain about it when he filed that writ petition. Therefore, in our view, the present writ petition is not maintainable.

4. For the above reasons, we dismiss the writ petition. No costs.

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BILAL NAZKI. ACJ.,

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G. CHANDRAIAH. J.,

Dated: 29.06.2005.

VRK.

To

1 The Secretary to Government, Irrigation & Command Area Development Department,
Secretariat, Hyderabad.
2 The Secretary to Government (Projects), Government of Andhra Pradesh,
Secretariat, Hyderabad.
3 The Engineer-in-Chief (Irrigation), Government of Andhra Pradesh,
Erram-Manzil, Hyderabad.
4 The Chief Engineer (Medium Irrigation), Government of Andhra Pradesh,
Erram-Manzil, Hyderabad.
5 The Superintending Engineer, Irrigation Circle, Red

Hills, Hyderabad.

6 The District Collector, Nalgonda District at Nalgonda.

7. Two CCs to G.P., for Irrigation & Command Area Development, High Court Buildings, Hyderabad.

8. The Officer concerned, Public Interest Litigation Cell, High Court Buildings, Hyderabad.

9. The Secretary, A.P. State Legal Aid & Advisory Board, High Court Buildings, Hyderabad.

10. The Secretary to Government of A.P., Home Department, Secretariat, Hyderabad.

11. Two CD copies.

HON'BLE SRI BILAL NAZKI,

ACTING CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE

G. CHANDRAIAH.

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W.P.NO. 7670 OF 2005.

(Order of the Bench delivered by

Hon'ble The Acting Chief Justice)

Dt: 29.06.2005.